

FEDERAL ELECTION COMMISSION Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 2843

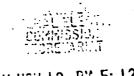
DATE SCANNED 3/3/15

SCANNER NO. ____Z____

SCAN OPERATOR EES



FEDERAL ELECTION COMMISSION WASHINGTON, D.C. 20463



2014 NOV 12 PM 5: 12

November 12, 2014

MEMORANDUM

TO:

The Commission

THROUGH:

Alec Palmer In PCO

Staff Director

FROM:

Patricia C. Orrock 400

Chicf Compliance Officer

Debbie Chacona DC

Assistant Staff Director Reports Analysis Division

BY:

Kristin D. Roser

Compliance Branch

SUBJECT:

Reason to Believe Recommendation -

Failure to File 48-Hour Notices under the Administrative Fine Program

Attached is the name of a principal campaign committee that has failed to file 48-hour notices with the Commission for contributions of \$1,000.00 or more received from the close of books for the Ohio 2014 12 Day Pre-Primary Report up to 48 hours before the May 6, 2014 Primary Election in accordance with 52 U.S.C. § 30104 (formerly 2 U.S.C. § 434(a)) and 11 CFR § 104.5(f). The committee, Lynch for Congress, represents a candidate who won the Primary Election. The committee is being referred for failing to file 48-hour notices for contributions totaling \$40,100.00.

A 48-hour notice is required to report all contributions of a \$1,000.00 or more, to any authorized committee of a candidate, including contributions from the candidate, loans from the candidate and other non-bank sources, and endorsements or guarantees of loans from banks, as per 11 CFR § 104.5(f).

We have attached an information sheet which includes the contributor name, date of receipt and amount of the contributions for which a 48-hour notice was not filed.

In accordance with the schedule of civil moncy penalties outlined within 11 CFR § 111.44, this committee should be assessed the civil money penalty so indicated.

Recommendation

- 1. Find reason to believe that Lynch for Congress and Laura Lynch, Treasurer, violated 52 U.S.C. § 30104 (formerly 2 U.S.C. § 434(a)) and make a preliminary determination that a civil money penalty of \$5,562 be assessed.
- 2. Send the appropriate letter.

Attachment

Contributions for Which a 48-Hour Notice Was Not Received

AF 2843

Committee ID: C00556720

Committee Name: Lynch for Congress

Report Type: July Quarterly Report (4/17/14 - 6/30/14)

48-Hour Reporting Period: 4/17/14 - 5/3/14

CONTRIBUTOR	DATE	AMOUNT
BEST, ROBERT	4/21/2014	\$1.000.00
LYNCH, MATT	4/24/2014	\$15,000.00
NATIONAL PRO-LIFE ALLIANCE PAC	4/25/2014	\$5,000.00
COLDIRON. ARNOLD	4/28/2014	\$1,000.00
HANNEMANN, WILLIAM	4/28/2014	\$1,000.00
LYNCH, DAVID	4/28/2014	\$1,000.00
LYNCH, MATT	4/28/2014	\$12,500.00
LYNCH, NANCY	4/28/2014	\$2,600.00
STUTZMAN, NAOMI	4/28/2014	\$1,000.00
	TOTAL	\$40,100.00

Number of Previous Civil Money Penalties Assessed: 1

Proposed Civil Money Penalty: \$5,562.00 (((4 Notices Not Filed at \$110 each) + (10% of the Overall Contributions Not Filed)) x (1+25%)) + ((4 Notices Not Filed at \$110 each) + (10% of the Overall Contributions Not Filed))

Penalty \$5,562

LOA \$40,100

Federal Election Commission Reason to Believe Circulation Report 48-Hour Notification Report

Notices Not Filed Prev Violations Election Candidate Name Treasurer 2014 LYNCH, MATT LAURA LYNCH

State OH

Committee ID Committee Name
C00556720 LYNCH FOR CONGRESS

AF# 2843

Page 1 of 1

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)	
·)	
Reason To Believe Recommendation -)	AF 2843
Failure to File 48-Hour Notices under the)	
Administrative Fine Program: Lynch for)	
Congress and Laura Lynch, Treasurer)	

CERTIFICATION

- I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on November 14, 2014, the Commission decided by a vote of 6-0 to take the following actions in AF 2843:
 - 1. Find reason to believe that Lynch for Congress and Laura Lynch, Treasurer, violated 52 U.S.C. § 30104 (formerly 2 U.S.C. § 434(a)) and make a preliminary determination that a civil money penalty of \$5,562 be assessed.
 - 2. Send the appropriate letter.

Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

Attest:

er 17, 2014

Shawn Woodhead Werth

Secretary and Clerk of the Commission



FEDERAL ELECTION COMMISSION WASHINGTON, D.C. 20463

November 17, 2014

Laura Lynch, in official capacity as Treasurer Lynch for Congress 17392 Sugar Hill Trail Chagrin Falls, OH 44023

C00556720 AF#: 2843

Dear Ms. Lynch:

The Federal Election Campaign Act of 1971, as amended, 52 U.S.C. § 30101, et seq. (formerly 2 U.S.C. § 431) ("the Act"), requires principal campaign committees of candidates for federal office to notify in writing either the Secretary of the Senate or the Federal Election Commission ("FEC"), and the Secretary of State, as appropriate, of any contribution of \$1,000 or more, received by any authorized committee of the candidate after the 20th day, but more than 48 hours before, any election. 52 U.S.C. § 30104(a)(6)(A) (formerly 2 U.S.C. § 434(a)(6)(A)). The Act further requires notification to be made within 48 hours after the receipt of the contribution and to include the name of the candidate and office sought, the date of receipt, the amount of the contribution, and the identification of the contributor. *Id.* These notification requirements are in addition to all other reporting requirements. 52 U.S.C. § 30104(a) (formerly 2 U.S.C. § 434(a)). Our records indicate that Lynch for Congress did not submit 48-Hour Notices for contributions of \$1,000 or more, received between April 21, 2014 and April 28, 2014, totaling \$40,100, as required by 52 U.S.C. § 30104(a)(6)(A) (formerly 2 U.S.C. § 434(a)(6)(A)). Attachment 1.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 52 U.S.C. § 30104(a) (formerly 2 U.S.C. § 434(a)). 52 U.S.C. § 30109(a)(4) (formerly 2 U.S.C. § 437g(a)(4)). On November 14, 2014, the FEC found that there is Reason to Believe ("RTB") that Lynch for Congress and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) (formerly 2 U.S.C. § 434(a)) by failing to file the 48-Hour Notices. Based on the FEC's schedule of civil money penalties at 11 CFR § 111.44, the amount of your civil money penalty calculated at the RTB stage is \$5,562. Please see the attached copy of the Commission's administrative fine regulations at 11 CFR §§ 111.30-111.55. Attachment 2. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. http://www.fec.gov/af/af.shtml. 11 CFR § 111.34. The amount of the civil money penalty is \$110 for each non-filed notice plus 10 percent of the dollar amount of the contributions not timely reported. The civil money penalty increases by 25 percent for each prior violation. Send your payment of \$5,562 within forty (40) days of the finding, or by December 24, 2014.

At this juncture, the following courses of action are available to you:

1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response, including the AF# found at the top of page 1 under your committee's identification number, to the FEC's Office of Administrative Review, 999 E Street, NW, Washington, DC 20463. Your response must be received within forty (40) days of the Commission's RTB finding, or December 24, 2014. 11 CFR § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 CFR § 111.36(c).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 CFR § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. Id. Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 CFR § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 CFR § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. district court under 52 U.S.C. § 30109 (formerly 2 U.S.C. § 437g). 11 CFR § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Lynch for Congress and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) (formerly 2 U.S.C. § 434(a)) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection

Improvement Act of 1996, 31 U.S.C. § 3701 et seq. The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 CFR § 111.51(a)(2).

3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the calculated civil money penalty, send the enclosed remittance form, along with your payment, to the FEC at the address on page 4. Upon receipt of your payment, the FEC will send you a final determination letter.

NOTICE REGARDING PARTIAL PAYMENTS AND SETTLEMENT OFFERS

4. Partial Payments

If you make a payment in an amount less than the calculated civil money penalty, the amount of your partial payment will be credited towards the full civil money penalty that the Commission assesses upon making a final determination.

5. Settlement Offers

If you make a payment in an amount less than the calculated civil money penalty as an offer to settle or compromise a debt owed to the Commission, the offer is herewith rejected despite any restrictive endorsements contained on your check or money order or proposed in correspondence transmitted with your check or money order. Acceptance and deposit or cashing of such a restricted payment does not constitute acceptance of the settlement offer. Payments containing restrictive endorsements will be deposited and treated as a partial payment towards the civil money penalty that the Commission assesses upon making a final determination. All unpaid civil money penalty amounts remaining will be subject to the debt collection procedures set forth in Section 2, above.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 52 U.S.C. § 30109(a)(2) (formerly 2 U.S.C. § 437g(a)(2)). It will remain confidential in accordance with 52 U.S.C. § 30109(a)(4)(B) (formerly 2 U.S.C. § 437g(a)(4)(B)) and 30109(a)(12)(A) (formerly 437g(a)(12)(A)) until it is placed on the public record in accordance with 11 CFR § 111.42, unless you notify the FEC in writing that you wish the matter to be made public.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at http://www.fec.gov/af/af.shtml. If you have questions regarding the payment of the calculated civil money penalty, please contact David Garr in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,

Lee E. Goodman

Chair

ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 CFR § 111.44, the amount of your civil money penalty calculated at RTB is \$5,562 for the 2014 Primary Election 48-Hour Notification Report.

Please mail this remittance with a check or money order made payable to the Federal Election Commission to the following address:

Federal Election Commission P.O. Box 979058 St. Louis, MO 63197-9000

If you choose to send your remittance and payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox FEC #979058 1005 Convention Plaza Attn: Government Lockbox, SL-MO-C2GL St. Louis, MO 63101

The remittance and your payment are due by December 24, 2014. Upon receipt of your remittance and payment, the FEC will send you a final determination letter.

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Lynch for Congress

FEC ID#: C00556720

AF#: 2843

PAYMENT DUE DATE: December 24, 2014

PAYMENT AMOUNT DUE: \$5,562



FEDERAL ELECTION COMMISSION WASHINGTON D.C. 20463

COMMISSION COMMISSION CORETARIAT

2315 JAN 14 PM 2: 18

January 14, 2015

MEMORANDUM

SENSITIVE

TO:

The Commission

THROUGH:

Alec Palmer CINT O

Staff Director

FROM:

Patricia C. Orrock P(U) LC

Chief Compliance Officer

Debbie Chacona 💢 (
Assistant Staff Director
Reports Analysis Division

BY:

Kristin D. Roser KOR

Reports Analysis Division

Compliance Branch

SUBJECT:

Administrative Fine Program - Final Determination Recommendation for the

Failure to File 48-Hour Notices

Attached is a list identifying a political committee and its treasurer against which the Commission has found reason to believe (RTB) and assessed a proposed civil money penalty calculated at RTB for failure to file or failure to timely file the appropriate 48 Hour Notices for the Ohio 2014 Primary Election. The committee has not paid the civil money penalty requested at RTB and has been given at least forty (40) days from the date of the Commission's RTB finding to remit payment.

In accordance with 11 CFR § 111.40, the Commission shall send a final determination notice to the respondent that has not paid the civil money penalty.

RAD Recommendation

- (1) Make a final determination that the political committee and its treasurer listed on the attached report violated 52 U.S.C. § 30104(a) (formerly 2 U.S.C. § 434(a)) and assess the final civil money penalty so indicated.
- (2) Send the appropriate letter.

Federal Election Commission Final Determination Circulation Report 48-Hour Notification Report

48-Hour Notification Report	

	FD Penalty	\$5.562
	Days Since RTB	45
	RTB Penalty	\$5,562
	RTB Date	\$40,100 11/14/2014
	LOA .	\$40,100
• !	Treasurer Prev Violations Notices Not Filed LOA RTB Date RTB Penalty Days Since RTB FD Penalty	4
	Prev Violations	-
	Treasurer	LAURA
	Candidate Name	LYNCH, MATT
	State Election	2014
	State	동
	AF# Committee ID Committee Name	LYNCH FOR
	Committee ID	C00556720
	AF#	2843

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)	
)	
Administrative Fine Program - Final)	AF 2843
Determination Recommendation for the)	
Failure to File 48-Hour Notices: Lynch)	
for Congress and Laura Lynch, Treasurer)	

CERTIFICATION

- I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on January 15, 2015, the Commission decided by a vote of 6-0 to take the following actions in AF 2843:
 - 1. Make a final determination that Lynch for Congress and Laura Lynch, Treasurer violated 52 U.S.C. § 30104(a) (formerly § 434(a)) and assess the final civil money penalty in the amount of \$5,562.
 - 2. Send the appropriate letter.

Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

Attest:

JANUA 16,2015

Pate

Shawn Woodhead Werth
Secretary and Clerk of the Commission



January 16, 2015

Laura Lynch, in official capacity as Treasurer Lynch for Congress 17392 Sugar Hill Trail Chagrin Falls, OH 44023

C00556720 AF#: 2843

Dear Ms. Lynch:

On November 14, 2014, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Lynch for Congress and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) (formerly 2 U.S.C. § 434(a)) for failing to file 48-Hour Notices for contributions of \$1,000 or more, received between April 21, 2014 and April 28, 2014, totaling \$40,100. By letter dated November 17, 2014, the Commission notified you of the RTB finding and the civil money penalty calculated at the RTB stage to be \$5,562 in accordance with the schedule of penalties at 11 CFR § 111.44. Within 40 days of the FEC's RTB finding, you, as treasurer, were required to either transmit payment of the calculated civil money penalty or submit a written response challenging either the RTB finding or the calculated civil money penalty.

The FEC did not receive payment of the calculated civil money penalty or a written response within the time permitted. The FEC made a final determination on January 15, 2015 that Lynch for Congress and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) (formerly 2 U.S.C. § 434(a)) and assessed a civil money penalty in the amount of \$5,562 in accordance with 11 CFR § 111.44.

At this juncture, the following courses of action are available to you:

1. If You Choose to Appeal the Final Determination and/or Civil Money Penalty

If you choose to appeal the final determination, you should submit a written petition, within 30 days of receipt of this letter, to the district court of the United States for the district in which the committee or you reside, or transact business, requesting that the final determination be modified or set aside. See 52 U.S.C. §30109g(a)(4)(C)(iii) (formerly 2 U.S.C. § 437g(a)(4)(C)(iii)). Your failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver of the respondents' right to present such argument in a petition to the district court under 52 U.S.C. § 30109g (formerly 2 U.S.C. § 437g). 11 CFR § 111.38.

2. If You Choose Not to Pay the Civil Money Penalty and Not to Appeal

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA") as amended by the Debt Collection Improvement Act of 1996 ("DCIA"), 31 U.S.C. § 3701 et seq. If you do not pay this debt within 30 days (or file a written petition to a federal district court - see below), the Commission will transfer the debt to the U.S. Department of the Treasury ("Treasury") for collection. Within 5 days of the transfer to Treasury, Treasury will contact you to request payment. Treasury currently charges a fee of 28% of the civil money penalty amount for its collection services. The fee will be added to the amount of the civil money penalty that you owe. Should Treasury's attempts fail, Treasury will refer the debt to a private collection agency ("PCA"). If the debt remains unpaid, Treasury may recommend that the Commission refer the matter to the Department of Justice for litigation.

Actions which may be taken to enforce recovery of a delinquent debt by Treasury may also include: (1) offset of any payments, which the debtor is due, including tax refunds and salary; (2) referral of the debt to agency counsel for litigation; (3) reporting of the debt to a credit bureau; (4) administrative wage garnishment; and (5) reporting of the debt, if discharged, to the IRS as potential taxable income. In addition, under the provisions of DCIA and other statutes applicable to the FEC, the debtor may be subject to the assessment of other statutory interest, penalties, and administrative costs.

In accordance with the DCIA, at your request, the agency will offer you the opportunity to inspect and copy records relating to the debt, the opportunity for a review of the debt, and the opportunity to enter into a written repayment agreement.

3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the civil money penalty, send the enclosed remittance form, along with your payment, to the address on page 3 within 30 days of receipt of this letter.

NOTICE REGARDING PARTIAL PAYMENTS AND SETTLEMENT OFFERS

4. Partial Payments

If you make a payment in an amount less than the calculated civil money penalty, the amount of your partial payment will be credited towards the full civil money penalty that the Commission assesses upon making a final determination.

5. Settlement Offers

Any offer to settle or compromise a debt owed to the Commission, including a payment in an amount less than the civil money penalty assessed or any restrictive endorsements contained on your check or money order or proposed in correspondence transmitted with your check or money order, will be rejected. Acceptance and deposit or cashing of such a restricted payment does not constitute acceptance of the settlement offer. Payments containing restrictive endorsements will be deposited and treated as a partial payment towards the civil money penalty that the Commission assesses upon making a final determination. All unpaid civil money penalty amounts remaining will be subject to the debt collection procedures set forth in Section 2, above.

The confidentiality provisions at 52 U.S.C. § 30109 (a)(12) (formerly 2 U.S.C. § 437g(a)(12)) no longer apply and this matter is now public. Pursuant to 11 CFR §§ 111.42(b) and 111.20(c), the file will be placed on the public record within 30 days from the date of this notification.

If you have any questions regarding the payment of the civil money penalty, please contact Analyst at Federal Election Commission, 999 E St., NW, Washington, DC 20463, or our toll free number (800) 424-9530 (at the prompt, press 5) or (202) 694-1130.

On behalf of the Commission,

Ann M. Ravel Chair

ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 CFR § 111.44, the civil money penalty is \$5,562 for the 2014 Primary Election 48-Hour Notification Report.

This penalty should be paid by check or money order made payable to the Federal Election Commission. It should be sent by mail to:

Federal Election Commission PO Box 979058 St. Louis, MO 63197-9000

If you choose to send your payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox FEC #979058 1005 Convention Plaza Attn: Government Lockbox, SL-MO-C2GL St. Louis, MO 63101

The form and payment are due within 30 days of receipt of this letter.

Payments by Personal Check

Personal checks will be converted into electronic funds transfers (EFTs). Your account will be electronically debited for the amount on the check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

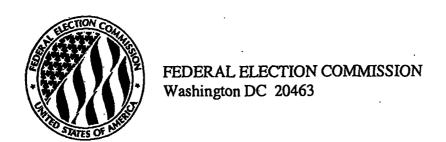
PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Lynch for Congress

FEC ID#: C00556720

AF#: 2843

PAYMENT AMOUNT DUE: \$5,562



THIS IS THE END OF	ADMINISTRATIVE FIN	ECASE# <u>2843</u>
DATE SCANNED	3/3/15	
SCANNER NO.	<u> </u>	•
SCAN OPERATOR	_ 233	